

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1447 - HB 1645

January 24, 2016

SUMMARY OF BILL: Extends the statute of limitation for felony child abuse and child neglect and for aggravated child abuse, aggravated child neglect, and aggravated child endangerment to 10 years after the child reaches 18 years of age.

Extends the statute of limitation for misdemeanor child abuse, child neglect, and child endangerment to five years after the child reaches 18 years of age.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$91,100/Incarceration*

Increase Local Expenditures – \$7,200/Incarceration**

Assumptions:

- Under current law, the statute of limitation for Class A misdemeanor child abuse, child neglect, and child endangerment is 12 months; the statute of limitation for a Class E felony child neglect is two years; the statute of limitation for Class D felony child abuse is four years; the statute of limitation for Class B felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment is eight years; and the statute of limitation for Class A felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment is 15 years.
- The bill will extend these statutes of limitation to 10 years after the child reaches 18 years of age for felony child abuse and child neglect and five years after the child reaches 18 years of age for misdemeanor child abuse, child neglect, and child endangerment.
- The child abuse and child neglect are enhanced to a felony when the child is under eight years of age; aggravated child abuse, aggravated child neglect, and aggravated child endangerment are enhanced to a Class A felony when the child is under eight years of age. The bill will extend the statute of limitation for Class A felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment from 15 years to at least 20 years. The bill will extend the statute of limitation for Class B felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment from eight years to at least 20 years. The bill will extend the statute of limitation for felony child abuse and child neglect from two years to at least 20 years.

- Extending the statutes of limitation gives district attorneys more time within which to bring a criminal prosecution against a defendant.

Assumptions Relative to Misdemeanor Offenses:

- The bill will increase the number of incarcerations for felony child abuse and child neglect as well as felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment.
- Fiscal Review does not possess any statistics on misdemeanor child abuse, child neglect, or child endangerment prosecutions.
- It is assumed that the bill will result in two additional misdemeanor convictions each year for child abuse, child neglect, or child endangerment. It is further assumed that each conviction will result in jail time of 60 days.
- The estimated 2016 cost per inmate per day for local jails is \$60.00.
- The bill will increase local incarceration costs by \$7,200 (2 convictions per year x 60 days served x \$60.00) per year.

Assumptions Relative to Felony Offenses:

- Statistics from the Department of Correction (DOC) show an average of 39.6 admissions per year over the last 10 years for Class D felony child abuse and child neglect; 6.8 admissions per year over the last 10 years for Class B felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment; and 15.7 admissions per year over the last 10 years for Class A felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment.
- Given the large increase in the statute of limitation, from two years to no less than twenty years, it is assumed that the bill will result in one additional admission for Class D felony child abuse or neglect every year.
- Given the large increase in the statute of limitation, from eight years to no less than twenty years, it is assumed that the bill will result in one additional admission every five years for Class B felony aggravated child, aggravated child abuse, or aggravated child endangerment.
- It is assumed that the bill will result in one additional admission every five years for Class A felony aggravated child, aggravated child abuse, or aggravated child endangerment.
- DOC statistics show no admissions for Class E felony child endangerment. It is assumed that the bill will not result in a significant increase in incarcerations.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.

- Statistics from DOC show an average time served of 2.13 years for Class D felony child abuse or child neglect.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving an additional 2.13 years (777.98 days) for a total of \$52,692.59 (\$67.73 x 777.98 days).
- Statistics from DOC show an average time served of 2.57 years for Class B felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years serving an additional 2.57 years (938.69 days) for a total of \$63,577.47 (\$67.73 x 938.69 days). The annualized cost is \$12,715.49 (\$63,577.47 / 5 years).
- Statistics from DOC show an average time served of 5.19 years for Class A felony aggravated child abuse, aggravated child neglect, and aggravated child endangerment.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years serving an additional 5.19 years (1,895.65 days) for a total of \$128,392.38 (\$67.73 x 1,895.65 days). The annualized cost is \$25,678.48 (\$128,392.38 / 5 years).
- The total increase in state incarceration costs is \$91,086.56 (\$52,692.59 + \$12,715.49 + \$25,678.48).

Assumptions Relative to the Courts, District Attorneys, and Public Defenders:

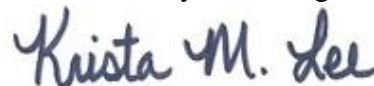
- The bill only creates one new case per year and seven new cases every five years. It is assumed that the Administrative Office of the Courts (AOC), the District Attorneys General Conference (DAGC), and the District Public Defenders Conference can accommodate the additional cases within their existing resources.
- The AOC and DAGC confirm that they can handle the impact of the bill within their existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

***Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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